

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**



ADDITION TO RECORD PER STIPULATION OF  
COUNSEL.

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COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

APRIL TERM, 1904.

No. 1418.

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MARIAN J. LOONEY, ADMINISTRATRIX OF THE ESTATE  
OF JAMES F. LOONEY, DECEASED, APPELLANT,

vs.

THE METROPOLITAN RAILROAD COMPANY AND THE  
WASHINGTON RAILWAY AND ELECTRIC COMPANY.

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FILED MAY 3, 1904.

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In the Court of Appeals of the District of Columbia, May 3, 1904.

MARION J. LOONEY, Adm.,	} No. 1418.
vs.	
METROPOLITAN RAILROAD Co.	

The defendant (appellee) hereby waiving any formal proceedings to bring up the annexed copies of the *subpoenas duces tecum* issued to the witnesses Lackey and Schafer in this cause, by certiorari or otherwise, agrees that the annexed copies may be filed and printed and be made together with the certification of the clerk of the supreme court of the District of Columbia a part of the record of this cause on appeal.

C. C. COLE, *Att'y for Appellee.*  
FRANKLIN H. MACKEY,  
*Att'y for Appellant.*

*Spa. ad Test.*

Issued October 30, 1903.

Supreme Court of the District of Columbia.

MARIAN J. LOONEY, Adm'x,	}	No. 45405. At Law.
<i>vs.</i>		
MET. R. R.		

The President of the United States to James B. Lackey :

You are hereby commanded to appear as witness for the plaintiff before circuit court, division No. 1, on the 2d day of November, 1903, at 10 o'clock a. m. (and bring with you)—

First. The agreement between the Washington Traction and Electric Company and the Metropolitan Railroad Company as to the use of the railroad tracks of the latter company.

Second. The agreement between said first named company and the Washington & Great Falls Electric Railway Company as to the use of the railroad tracks of said last named company.

Third. The agreement between the Washington Railway and Electric Company and the Metropolitan Railroad Company as to the use of the railroad tracks of the latter company.

Fourth. The agreement between the Washington Railway and Electric Company and the Washington & Great Falls Electric Railway Company as to the use of the railroad tracks of the latter company.

Fifth. The payroll of the Washington Traction and Electric Company; the Washington Railway and Electric Company; the Metropolitan Railroad Company, and the Washington & Great Falls Electric Railway Company for the last week of July 1901, especially that of the 28th of July, 1901.

Sixth. Memorandum or receipt of the past payment made to James F. Looney, or his widow, Marion J. Looney, for any wages due the said James F. Looney at the time of his death.

and not depart the court without leave.

Witness: The Honorable Harry M. Clabaugh, chief justice of said court, this 30th day of October, 1903.

[SEAL OF COURT.]

J. R. YOUNG, *Clerk*,  
By FRED. C. O'CONNELL,  
*Ass't Clerk.*

Endorsed.

Let this writ issue.

HARRY M. CLABAUGH,  
*Chief Justice.*

*Marshal's Return.*

Summoned James B. Lackey personally, November 2, 1903.

AULICK PALMER, *Marshal*.  
S.

*Spa. ad Test.*

Issued October 30, 1903.

Supreme Court of the District of Columbia.

MARIAN J. LOONEY, Adm'x,	} No. 45405. At Law.
<i>vs.</i>	
MET. R. R.	

The President of the United States to Wm. H. Schaefer, ass't road master, &c., 508 9 N. W.:

You are hereby commanded to appear as witness for the plaintiff before circuit court, division No. 1, on the 2d day of November, 1903, at 10 o'clock a. m., (and bring with you) the pay roll or other records showing the list of railroad employees on July 28<sup>th</sup> 1901, under your management, and not depart the court without leave.

Witness the Honorable Harry M. Clabaugh, chief justice of said court, this 30<sup>th</sup> day of October, 1903.

[SEAL OF COURT.]

J. R. YOUNG, *Clerk*,  
By FRED. C. O'CONNELL,  
*Ass't Clerk*.

Endorsed.

Let this writ issue.

HARRY M. CLABAUGH,  
*Chief Justice*.

*Marshal's Return.*

Summoned the within named witness personally, October 30, 1903.

AULICK PALMER, *Marshal*.  
S.

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, } ss :  
*District of Columbia,*

I, John R. Young, clerk of the supreme court of the District of Columbia, do hereby certify the foregoing to be true and correct copies of the two *subpoenas duces tecum*, issued October 30, 1903, omitted by inadvertence from the record heretofore transmitted to the Court of Appeals of the District of Columbia in cause No. 45,405, at law, wherein Marian J. Looney, administratrix of the estate of James F. Looney, deceased, is plaintiff, and The Metropolitan Railroad Company *et al.* are defendants, as the same remain and appear upon the files and of record in said court.

In testimony whereof, I hereunto subscribe  
 Seal Supreme Court my name and affix the seal of said court, at  
 of the District of the city of Washington, in said District, this  
 Columbia. 14th day of April, A. D. 1904.

JOHN R. YOUNG, *Clerk.*

[Endorsed:] No. 1418. Marian J. Looney, administratrix, &c.,  
 appellant, vs. The Metropolitan Railroad Company *et al.* Addition  
 to record per stipulation of counsel. Court of Appeals, District of  
 Columbia. Filed May 3, 1904. Henry W. Hodges, clerk.